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09/677,197	10/02/2000	Mehran Mehregany	47799.00003	7092

7590

06/15/2005

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EXAMINER

ABDI, KAMBIZ

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/677,197

Applicant(s)

MEHREGANY ET AL.

Examiner

Kambiz Abdi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>16 September 2004</u> . | 6) <input type="checkbox"/> Other: _____  |

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#### **DETAILED ACTION**

1. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.

- No claim has been added.
- No claim has been canceled.
- Claims 26-40 have been considered.

#### ***Response to Amendment***

2. Applicant's arguments filed on 28 March 2005, with respect to claims 26-40 have been fully considered but are not persuasive.

In response to applicant arguments regarding rejection of Claims 26 and 32 under 35 U.S.C. § 103 as being anticipated by Salmon et al.:

The arguments put forward with regards to claims 26 and 32 fail to overcome the cited prior art of record and the applicant's interpretation of the case laws have been duly noted.

The Salmon reference discloses a comprehensive computer based system for facilitating an interactive communication brokering and matching transaction protocols among multiple parties.

Salmon discloses an interactive protocol to facilitate any matching transaction where review of diverse information is a part of the buyer's or users decision-making process. It allows information exchange in a number of forms to be submitted by the seller (suppliers), compiled in a database and reviewed by the buyer or requester of the goods or the services with the assistance of an interactive, expert system based, networked computer system (See Salmon column 1, lines 18-46, column 2, lines 15-24).

In general, the invention features a computer-implemented system for brokering transactions between sellers (Suppliers) and a buyer (R&D Requester) of goods or services (Research and Development Expertise), the system including a database, a Seller's Interface,

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and a Buyer's Interface, which matches all the relevant information provided by the parties (See Salmon column 14, line 35-column 15, line 5).

The database contains multitude of information, and additionally includes multimedia information, descriptive of respective ones of the goods or services. The Seller's Interface enables the sellers to interactively enter information, including multimedia information, into the database in addition to all the relevant information needed to specifically describe or specify the goods and services provided. The Buyer's Interface provides a knowledge-based interactive protocol, enabling the buyer to search, match, select and review the descriptive information from the database, and additionally makes perceptible the multimedia information in response to an interactive buyer request (Identification of potential suppliers).

The argument by the applicant is that the "aggregated first data describing the plurality of suppliers comprises...quantities indicators of supplier qualities including at least one of patent held, of grants received, of contracts awarded..."

With regards to the limitation of said "description...of suppliers" comprises patents held, grants received, or contracts awarded. One skilled in the art would know that grants received is considered as academic accomplishment as well as one way of gauging and evaluation of a candidate for a position in research or academic environment. As it should be extended the prior art of record Salmon clearly discloses and teaches a computer implemented system of brokering buyers (Hiring entity) and sellers (Employee seeking a position) that *match*, meaning that there are data collected (attributes, such as industry specific, skill sets, positions held, etc.) from the sellers and the buyers and stored in a database to be queried for the purpose of one or more match (See Salmon figure 5, step 524, column 8, lines 25-61).

As for research positions, it is clear to one skilled in the art that the match is based on evaluation of criteria or attributes, such as academic achievements (degree earned, grants received, papers published, etc.), work experience (years of practice, time spent working on a specific project area of interest, length of employment, number of contracts fulfilled, etc.), and so on. Awarding a contract is an essential part of obtaining a project or employment, therefor; it is

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clear that one having work experience has to be awarded contracts to be able to fulfill contractual agreements. They all have the quantitative value of gauging the capabilities of either the individual or a group of experts in the area of interest to either buyer or seller. Salmon is clear and explicit on teaching the evaluation and matching steps and how to utilize and consider the descriptive information (data) collected, as described above, in regards to the candidates (Suppliers).

Salmon discloses contract information (See Salmon text of the summary and column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines 40-58).

Salmon does not expressly show:

- quantity of patent held,
- quantity of grants received, or
- contracts awarded.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited in the claims as it has been claimed. The steps of the information collection, storage, and evaluation or matching would be performed the same regardless of the data. The naming of the data in the database does not effect the behavior of the program residing in the computer.

For example minimum amount of salary is an specific number (See Salmon figure 4I), lets say 70000, at the same time claim 26 in question states that the "minimum quantity of patent held", which is a number lets say 30. And lets assume that we are looking for a candidate that is minimum salary requirement is 70000 or the requirement for an R&D researcher is holding at least 25 patents held. In searching for the match the computer acts exactly the same for both of the above queries will find the numbers (quantity) best matching the request. The function of the system to search the database and match the criteria that is specified by the user is not going to change because the name of the cell in the database table has been modified to state a different naming. It should be emphasized that the search query based on the criteria or data describing a project for number of supplies that match the criteria is clearly disclosed by Salmon. Examiner

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awarded, number of years worked, number of grants received, etc. would not make any change in the function of matching and extracting the matched entities and providing their information to the user, as it would be for the claims it "the set of suppliers" and for the Salmon reference it would be "list of potential employees".

Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to collect from a customer any type of quantity of patent held, quantity of grants received, and quantity of contracts awarded, because such data does not functionally relate to or change the steps in the claims and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Therefore, the examiner maintains the previous rejection of the claimed invention as they have been amended and presented in their current form.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,592,375 to Bardwell C. Salmon et al.

5. As per claims 26 and 32, Salmon discloses a method for limiting disclosure of a first description of a project for at least one of research and development, the method comprising:

accessing aggregated first data describing a set of suppliers and a aggregated second data describing the project to identify a first subset of the set of suppliers, each supplier of the first subset having a quantitative extent of correspondence between the respective aggregated

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first data and the aggregated second data, wherein (See Salmon figures 3b, 4a-4q, 5, 6a-6e, and 7a-7n along with associated text, column 1, lines 18-68, column 2, lines 1-55, column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines 40-58, column 8, lines 4-61, column 10, lines 10-56, column 14, lines 35-68, and column 15, lines 1-21):

(1) determining the respective quantitative extent of correspondence and identifying the respective supplier to the first subset are performed by a stored program computer (See Salmon figures 3b, 4a-4q, 5, 6a-6e, and 7a-7n along with associated text, column 1, lines 18-68, column 2, lines 1-55, column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines 40-58, column 8, lines 4-61, column 10, lines 10-56, column 14, lines 35-68, and column 15, lines 1-21);

(2) aggregated first data describing the plurality of suppliers comprises for each supplier:

(a) indicators of subject matter (Area of Expertise), wherein the subject matter is known to the supplier (See Salmon figures 3b, 4a-4q, 5, 6a-6e, and 7a-7n along with associated text, column 1, lines 18-68, column 2, lines 1-55, column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines 40-58, column 8, lines 4-61, column 10, lines 10-56, column 14, lines 35-68, and column 15, lines 1-21); and

(b) quantitative indicators of supplier qualities including at least one of quantity of patents held; magnitude or quantity of grants received, and magnitude or quantity of contracts awarded (See Salmon figures 3b, 4a-4q, 5, 6a-6e, and 7a-7n along with associated text, column 1, lines 18-68, column 2, lines 1-55, column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines 40-58, column 8, lines 4-61, column 10, lines 10-56, column 14, lines 35-68, and column 15, lines 1-21);

(3) aggregated second data describing the project comprises:

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(a) indicators of particular subject matter including at least one of particular subject matter to be invented, particular subject matter to be reduced to practice, and particular subject matter for a commercial product (See Salmon figures 3b, 4a-4q, 5, 6a-6e, and 7a-7n along with associated text, column 1, lines 18-68, column 2, lines 1-55, column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines 40-58, column 8, lines 4-61, column 10, lines 10-56, column 14, lines 35-68, and column 15, lines 1-21); and

(b) quantitative indicators of particular supplier qualities including at least one of desire minimum quantity of patents held, particular minimum magnitude or quantity of grants received, and particular minimum magnitude or quantity of contracts awarded (See Salmon figures 3b, 4a-4q, 5, 6a-6e, and 7a-7n along with associated text, column 1, lines 18-68, column 2, lines 1-55, column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines 40-58, column 8, lines 4-61, column 10, lines 10-56, column 14, lines 35-68, and column 15, lines 1-21); and

reporting the first subset of suppliers for a first restricted distribution of the first description of the project for a buyer seeking a supplier having a desired capacity for at least one comprising the indicators of particular subject matter (See Salmon figures 3b, 4a-4q, 5, 6a-6e, and 7a-7n along with associated text, column 1, lines 18-68, column 2, lines 1-55, column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines 40-58, column 8, lines 4-61, column 10, lines 10-56, column 14, lines 35-68, and column 15, lines 1-21).

Salmon discloses contract information (See Salmon text of the summary and column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines 40-58).

Salmon does not expressly show:

- quantity of patent held,
- quantity of grants received, and

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps of the information collection, storage,



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and evaluation would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to collect from a customer any type of quantity of patent held, quantity of grants received, and quantity of contracts awarded, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

6. As per claims 27 and 33, Salmon discloses all the limitations of claims 26 and 32; further,

Salmon discloses,

receiving plurality of proposal, each respective proposal from a member of the first subset:

accessing the aggregated first data to identify a second subset of-suppliers, each member of the second subset having indicators of particular subject matter known to the member corresponding to the indicators of particular subject matter (See Salmon figures 3b, 4a-4q, 5, 6a-6e, and 7a-7n along with associated text, column 1, lines 18-68, column 2, lines 1-55, column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines 40-58, column 8, lines 4-61, column 10, lines 10-56, column 14, lines 35-68, and column 15, lines 1-21); and

providing a multiplicity of the plurality of proposals to a member of the second subset for identifying a supplier of the first subset to be eliminated from a second restricted distribution of a second description of the project (See Salmon figures 3b, 4a-4q, 5, 6a-6e, and 7a-7n along with associated text, column 1, lines 18-68, column 2, lines 1-55, column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines 40-58, column 8, lines 4-61, column 10, lines 10-56, column 14, lines 35-68, and column 15, lines 1-21).

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7. As per claims 28 and 34, Salmon discloses all the limitations of claims 26 and 32; further,

Salmon discloses,

searching an information network to identify search results; and indexing the identified search results to provide keyword access (See Salmon figures 3b, 4a-4q, 5, 6a-6e, and 7a-7n along with associated text, column 1, lines 18-68, column 2, lines 1-55, column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines 40-58, column 8, lines 4-61, column 10, lines 10-56, column 14, lines 35-68, and column 15, lines 1-21).

8. As per claims 29 and 35, Salmon discloses all the limitations of claims 28 and 34; further,

Salmon discloses,

aggregating further comprises storing a record according to at least a portion of a message received from the information network; and indexing comprises analyzing the record (See Salmon figures 3b, 4a-4q, 5, 6a-6e, and 7a-7n along with associated text, column 1, lines 18-68, column 2, lines 1-55, column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines 40-58, column 8, lines 4-61, column 10, lines 10-56, column 14, lines 35-68, and column 15, lines 1-21).

9. As per claims 30 and 36, Salmon discloses all the limitations of claims 26 and 32; further,

Salmon discloses,

conducting the first restricted distribution in accordance with the report (See Salmon figures 3b, 4a-4q, 5, 6a-6e, and 7a-7n along with associated text, column 1, lines 18-68, column 2, lines 1-55, column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines

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40-58, column 8, lines 4-61, column 10, lines 10-56, column 14, lines 35-68, and column 15, lines 1-21).

10. As per claims 31 and 37, Salmon discloses all the limitations of claims 26 and 32; further,

Salmon discloses,

wherein the report is ordered in accordance with the quantitative extent of correspondence (See Salmon figures 3b, 4a-4q, 5, 6a-6e, and 7a-7n along with associated text, column 1, lines 18-68,

column 2, lines 1-55, column 3, lines 14-48, column 4, lines 38-64, column 5, lines 5-24, column 7, lines 40-58, column 8, lines 4-61, column 10, lines 10-56, column 14, lines 35-68, and column 15, lines 1-21).

11. As per claim 38, Salmon discloses the method of claim 26 wherein the aggregated second data describing the project is generated using the assistance of a broker (See Salmon abstract, column 1, lines 18-38, column 8, lines 40-68).

12. As per claim 39, Salmon discloses the method of claim 38 wherein the broker receives one or more objectives of the project from the buyer via a network and utilizes the received objectives to generate at least a portion of the aggregated second data (See Salmon abstract, column 1, lines 18-38, column 8, lines 40-68).

13. As per claim 40, Salmon discloses the method of claim 27 wherein a broker reviews at least one of the received proposals and provides feedback to the supplier associated with the reviewed proposal, and wherein the supplier modifies the reviewed proposal in response to the feedback (See Salmon abstract, column 1, lines 18-38, column 8, lines 40-68, and column 9, lines 14-27).

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14. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

#### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

2. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9 AM to 5:00 PM.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks  
Washington, D.C. 20231**

or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

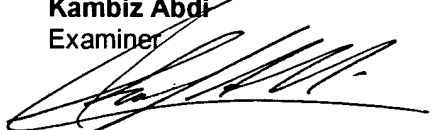
(703) 746-7749 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to:

**Crystal Park 5, 2451 Crystal Drive**

**7th floor receptionist, Arlington, VA, 22202**

**Kambiz Abdi**  
Examiner



**June 9, 2005**